

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**

**ERNIE LEE JACOBSEN and DONNA JEAN JACOBSEN  
Debtors**

**CHAPTER 11  
CASE NO. 09-15667-DWH**

**MOTION FOR AUTHORITY TO ASSUME UNEXPIRED LEASES**

COME NOW Ernie Lee Jacobsen and Donna Jean Jacobsen (the “Debtors”), and file this their Motion for Authority to Assume Unexpired Leases (the “Motion”), and in support thereof, would show unto the Court the following, to-wit:

1. On October 29, 2009, the Debtors filed their Voluntary Petition for reorganization with this Court under Chapter 11 of the Bankruptcy Code.
2. The Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (O), and this motion is made pursuant to §365 of the Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and Fed.R.Bankr.P. 9014.
3. The Debtors are the lessees under certain unexpired leases of non-residential real property for Sonic stores, and, perhaps, sign leases, that are continuing to be operated and that are located in Alabama and Mississippi (the “Leases”).
4. The Leases are assets of significant importance to the Debtors, their estates and other affiliated entities of the Debtors.
5. The Debtors have made the decision to assume the unexpired leases of non-residential real property involving Sonic stores in Columbus, Mississippi and Starkville, Mississippi, and to

assume the “sign leases” to the extent that the sign leases involve unexpired leases of non-residential real property.

6. With respect to the leases of Sonic stores, the Debtors propose to cure any existing monetary defaults in connection therewith by adding the defaulted monthly lease payments to the end of the existing lease obligations.

7. Non-economic and non-monetary defaults in connection with the leases of the Sonic stores shall be cured on or before the effective date of the Plan to be filed herein.

8. With respect to the leases involving “sign leases”, the Debtors do not believe that those leases are actually leases of non-residential real property. However, to the extent they are determined to be unexpired leases of non-residential real property, the Debtor propose to assume those leases by adding existing monetary defaults to the end of the existing monetary obligations

9. Non-economic and non-monetary defaults in connection with the “sign leases” shall be cured on or before the effective date of the Plan to be filed herein.

10. The Debtors have provided, and will continue to provide, adequate assurance of prompt cure of all defaults.

11. The Debtors have provided, and will provide, adequate assurance of future performance in connection with the unexpired leases of non-residential real property as required by the lessors thereof or as directed by the Court.

12. Assumption of the leases involved herein is in the best interest of the Debtors, all creditors and all parties in interest. The Columbus and Starkville, Mississippi, stores are significant and very important for the continued operations of the Debtors’ enterprises along with the operations of Debtors’ affiliated entities.

13. Other grounds to be assigned upon a hearing hereof.

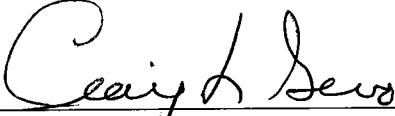
WHEREFORE, PREMISES CONSIDERED, Debtors respectfully pray that upon a hearing hereof this Honorable Court will enter its order granting the Motion. The Debtors pray for general relief.

DATED, this 1<sup>st</sup> day of June, 2010.

Respectfully submitted,

ERNIE LEE & DONNA JEAN JACOBSEN

By Their Attorneys,  
HARRIS JERNIGAN & GENO, PLLC

By   
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Craig M. Geno

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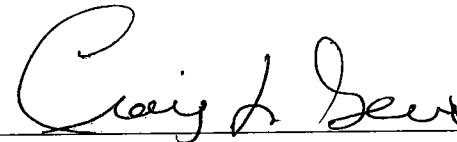
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**CERTIFICATE OF SERVICE**

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via Notice of Electronic Filing, a true and correct copy of the above and foregoing to the following:

Sammie S. Tharp, Esq.  
Office of the United States Trustee  
Sammie.S.Tharp@usdoj.gov

THIS, the 1<sup>st</sup> day of June, 2010.

  
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Craig M. Geno